

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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RSS WFCM2018-C44 – NY LOD, LLC, :  
: Plaintiff, :  
: :  
: -against- :  
: :  
42 LEXINGTON OPERATING DE LLC et al., : Defendants. :  
: :  
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DATE FILED: 6/22/2021

21-CV-4424 (VSB)

**ORDER**

VERNON S. BRODERICK, United States District Judge:

Plaintiff filed this action on May 18, 2021, (Doc. 5), and filed an affidavit service for Defendant Daniel Rahmani (“Rahmani”) on June 9, 2021, (Doc. 17.) The deadline for Rahmani to respond to Plaintiff’s complaint was June 16, 2021. (*See id.*) To date, Rahmani has not appeared or responded to the complaint. Plaintiff, however, has taken no action to prosecute this case. Accordingly, if Plaintiff intends to seek a default judgment against Rahmani, it is directed to do so in accordance with Rule 4(H) of my Individual Rules and Practices in Civil Cases by no later than July 22, 2021. If Plaintiff fails to do so or otherwise demonstrate that it intends to prosecute this litigation, I may dismiss this case for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

I note that Plaintiff has not filed an affidavit of service for Defendants 1442 Lexington Operating DE LLC or Afshin Hedvat, such that Plaintiff cannot move for a default judgment against those Defendants at this time. Failure to comply with Federal Rule of Civil Procedure 4(m) risks dismissal of this action against those Defendants.

SO ORDERED.

Dated: June 22, 2021  
New York, New York

Vernon Broderick  
VERNON S. BRODERICK  
United States District Judge